

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5123 of 2006

Dt.20.3.2006

Between:

B.Vasantha ... Petitioner

And

The District Collector, Chittoor District

And 2 others

...Respondents

ORDER:

Petitioner questions the action of respondents in interfering with the peaceful possession and enjoyment of the petitioner over the assigned land admeasuring Ac.3.37 cents in Sy.No.52/1 situated at Nagari village and Mandal, Chittoor District, except by due process of law.

It is the case of the petitioner that the land to an extent of Ac.3.37

cents in Sy.No.52/1 of Nagari Village and Mandal, Chittoor District, in Form D patta vide DKT No.451/1987 dt.26.10.1978 was assigned in favour of Patnam Lakshamma, mother of the petitioner. It is stated that the said land has been bequeathed by way of Will dated 22.1.2000 in favour of the petitioner and after that the said Lakshamma died on 28.2.2000. While so, the respondents without issuing any notice and without following the due process of law trying to interfere with the possession and enjoyment of the said land in question.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The learned Government Pleader appearing on behalf of the respondents submits that no patta has been granted in favour of the mother of the petitioner and no Darakast patta was granted in respect of the said land in Sy.No.408/4 measuring Ac.4.86 cents in favour of anybody as per Darakast Register, 10(1), No.3 Adangal, Record of Rights Form 1 and 1B Register, as per village accounts of Karakambadi the land in Sy.No.408 admeasuring Ac.12.85 is classified as assessed waste dry and in order to grab the valuable Government land, the petitioner obviously approached this Court.

I am of the opinion that if the said DKT patta is not genuine and forged one, the petitioner is not only liable for appropriate criminal action, but the respondents are also entitled to resume the said land either under the A.P.Assigned Lands (Prohibition of Transfer) Act or under the A.P.Land Encroachment Act. Even according to the petitioner the said land is bequeathed by her mother through a will dated 22.1.2000 along with other movable property. If that be so, bequeathing of the said assigned land is not permissible under the provisions of Section 3 (1) and (2) of the A.P.Assigned Lands (Prohibition of Transfer) Act. But, however, without following the principles of natural justice and without issuing notice, the petitioner cannot be dispossessed.

Having regard to the facts and circumstances of the case, the

respondents are directed not to dispossess the petitioner without following the due procedure prescribed under law and take appropriate action in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

V.ESWARAIAH, J.

20.3.2006

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